

PATENT
Customer No. 22,852
Attorney Docket No. 05552.1463-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Udo KRUPKA) Group Art Unit: 1648
Application No.: 10/561,345) Examiner: BOESEN, AGNIESZKA
Filed: December 20, 2005)
For: NOVEL SURFACE PROTEIN) Confirmation No.: 5930
(HBsAg) VARIANT OF THE)
HEPATITIS B VIRUS)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application.

The listed document was cited by the European Patent Office (EPO) during examination of co-pending European Patent Application No. EP 04739976.1 (published as EP1638995A1 and as WO2004113370), which is the corresponding European national stage entry of International Application No. PCT/EP2004/006516 (the grandparent of co-pending U.S. Application No. 12/292,747, published as WO2004113370). According to the EPO, claim 1 of co-pending EP1638995A1 lacks

novelty over the listed document. Copies of these co-pending US and PCT applications have been previously submitted in the instant application.

Applicants respectfully request that the Examiner consider the listed documents and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 10, 2011

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